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OFFICE OF PETITIONS

In re Application of :
Welton E. White : DECISION GRANTING
Application No. 10/806,996 : PETITION
Filed: March 22, 2004 :
Attorney Docket No. H0006062-1065 :

This is a decision on the paper styled "PETITION TO ACCORD FILING DATE" filed July 23, 2004, requesting that the above-identified application be accorded a filing date of March 22, 2004, rather than the presently accorded filing date of March 23, 2004. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on March 22, 2004, pursuant to the requirements of 37 CFR 1.10. In support, applicant provided a copy of the Express Mail label, receipt No. ER207412704US, showing a Date-In of March 22, 2004. The same Express Mail receipt number appears on the copy of the original application transmittal submitted with the instant petition. Applicant requests that the application be accorded a filing date of March 22, 2004.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on March 22, 2004. Accordingly, the instant application is entitled to a filing date of March 22, 2004, and has been so accorded.

The petition is granted. No petition fee is required and none has been charged.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

This matter is being referred to Technology Center AU 3746 for examination in due course with a filing date of March 22, 2004.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy